

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL RESTORATION No. 30 of 2006

MALCHAND

V/S

LRS OF LOONARAM & ANR

Mr. NS RAJPUROHIT, for the appellant / petitioner

Date of Order : 5.7.2006

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the petitioner.

It is contended that the counsel could not contact the appellant, and therefore, needful could not be done, and therefore, it is prayed that the appeal be restored.

Suffice it to say that the appeal was filed way-back on 10.5.2003 and the needful was not done. Not only this, when the case was listed in the Court on 20.8.2004, nobody appeared on behalf of the appellant either. In these circumstances, on 14.12.2004 in presence of the learned counsel, the time was granted making the order peremptory. Notwithstanding that, the order had not been complied with. The application was filed for extension of time, which too was filed after the peremptory had come into effect, and therefore, the application was already dismissed by this Court on 22.2.2005. In my view, the whole prosecution in the appeal was per se careless, and it cannot be said that the appeal is required to be restored, as no sufficient cause whatever is made out by the petitioner for not complying with the order.

The restoration application is, therefore, dismissed.

(N P GUPTA), J.

/tarun/